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REMARKS

Claims 1-6 and 16-20 are pending in the application and have all been rejected under 35 U.S.C. §§ 102(e) or 103(a). Claims 17 and 18 have been rejected under 35 U.S.C. §112, second paragraph. In response, Applicants are amending claims 1-6 and 16-20 for address the Examiner's rejections and objections and to further define the scope of the invention. In view of the foregoing amendments and the following remarks, Applicants respectfully request that the Examiner reconsider the application.

REJECTIONS UNDER 35 U.S.C. §112, second paragraph

Claims 17 and 18 have been amended to overcome the Examiner's rejection. More specifically, amended claims 17 and 18 do not recite a "generally cylindrical member." Withdrawal of this rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §102(b)

In paragraph 4 of the Office Action, the Examiner rejected claims 1-2, 4, 6, 16, and 20 under 35 U.S.C. §102(b) as being anticipated by *Harris*. Applicants respectfully traverse.

As amended independent claim 1 recites in part "a flexible tube of unitary construction." In contrast *Harris* discloses pipe sections which each include coupling means for joining the pipe sections lengthwise to each other. Thus *Harris* does not show

or suggest the claimed feature of Applicants' invention. Withdrawal of this rejection is respectfully requested.

As amended independent claim 16 recites in part "installing a flexible tube of unitary construction in the in-ground hole." In contrast *Harris* discloses pipe sections which each include coupling means for joining the pipe sections lengthwise to each other. Thus *Harris* does not show or suggest the claimed feature of Applicants' invention. Withdrawal of this rejection is respectfully requested.

Dependent claims 2, 4, and 6 depend from amended independent claim 1 and include all the limitations thereof. In addition, dependent claims 2, 4, and 6 recite limitations not disclosed in the cited reference. For example, dependent claim 2 recites the flexible tube comprising "a continuous extruded column." Withdrawal of these rejections is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103(a)

In paragraph 6 of the Office Action, the Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over *Harris*. Dependent claim 3 has been amended and Applicants respectfully submit that dependent claim 3 is not rendered obvious over the cited reference. More particularly, dependent claim 3 recites the flexible tube comprising "a non-jointed column." As noted above *Harris* discloses jointed pipe sections. Harris does not show or suggest the claimed feature recited in dependent claim 3. Withdrawal of this rejection is respectfully requested.

In paragraph 7 of the Office Action, the Examiner rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over *Harris* in view of *Stites*. *Stites* relates to a method of installing miniature multilevel ground-water sampling wells and more particularly relates to a method of creating a small hole by driving a steel pipe into the ground. As amended, claim 19 recites in part the step of "attaching a filter over the aperture." *Stites* does not show or suggest this claimed feature of Applicant's invention. Withdrawal of this rejection is respectfully requested.

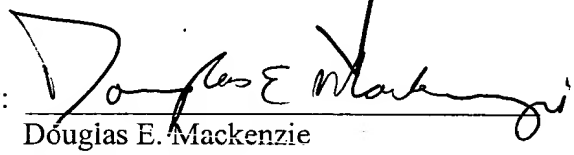
CONCLUSION

For at least the reasons set forth above, Applicant submits that all claims now pending in the Application are in condition for allowance, and respectfully requests such action. If the Examiner has any questions regarding the Application, the Examiner is invited to contact the Applicant's undersigned attorney at the number given below.

Respectfully submitted,

Murray D. Einarson et al.

Date: September 12, 2001

By: 

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APPENDIX

Marked up claims showing amendments:

1. An apparatus for in-ground fluid [evaluation] sampling comprising:

a flexible tube of unitary construction having a plurality of [well stock comprising plural] longitudinal chambers, [each] at least one of the longitudinal chambers having an aperture for [transmitting a] admitting the fluid into the at least one longitudinal chamber[, the length of the well stock having a ratio of at least 3:1 to the diameter of the smallest circle that encloses the perimeter of the cross section of said well stock].

2. The apparatus of claim 1 wherein [said well stock is] the flexible tube further comprises a continuous extruded column.

3. The apparatus of claim 1 wherein [said well stock is] the flexible tube further comprises a [one] non-jointed column [piece from the sampling surface to the lowest sampling depth].

4. [An] The apparatus of [as in] claim 1 wherein the flexible tube further comprises a flexible polymeric material [no sample is removed from the hole but the fluid is monitored].

5. [An] The apparatus of [as in] claim 4 wherein the flexible tube further comprises a cylindrical surface [fluid is monitored by a piezometer].

6. [An] the apparatus of [as in] claim 1 wherein the plural longitudinal chambers are coextensive with the flexible tube [well stock].

16. A method of obtaining data from depth discrete fluids disposed in [information about fluids from] an in-ground hole comprising the steps of:

installing a flexible tube of unitary construction in the in-ground hole, the flexible tube including a plurality of longitudinal chambers, at least one of the longitudinal chambers having an aperture for admitting the fluid into the at least one longitudinal chamber; and

collecting the data

[forming a generally cylindrical hole;

placing a sampling stock comprising plural longitudinal chambers into said generally cylindrical hole, said sampling stock including plural sample inlet apertures for admitting fluid samples into at least two longitudinal chambers, said plural sample inlet apertures being at different points along the length of the stock and opening into different longitudinal chambers].

17. The method of claim [Claim] 16 further comprising the steps of:

determining a sampling depth; and

creating an aperture in the flexible tube to correspond with the sampling depth upon installation of the flexible tube

[wherein said stock is positioned into the generally cylindrical hole at the same time as the generally cylindrical member].

18. The method of claim [Claim] 16 further comprising the step of:

spacedly attaching at least one packer to the flexible tube [wherein said stock is placed into the generally cylindrical hole after the generally cylindrical member is removed].

19. The method of claim [Claim] 16 further comprising the step of:

attaching a filter over the aperture wherein the hole is formed by driving].

20. The method of claim [Claim] 16 wherein the step of collecting the data further comprises inserting a down-hole instrument in at least one of the plurality of longitudinal chambers [hole is formed by drilling].